

Senate Bill 308

By: Senators Seabaugh of the 28th, Rogers of the 21st, Smith of the 52nd, Unterman of the 45th, Mullis of the 53rd and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to clarify and change provisions regarding the carrying and possession of weapons; to provide for definitions; to provide for the offense of carrying a weapon without a license; to prohibit carrying weapons in unauthorized locations; to change provisions relating to carrying weapons within school safety zones, at school functions, or on school property; to change provisions relating to carrying a pistol without a license; to change provisions relating to the license to carry a pistol or revolver and the licensing exceptions; to conform cross-references with definitions; to provide for a weapons carry license; to amend Code Section 20-3-31 of the Official Code of Georgia Annotated, relating to the general powers of the Board of Regents of the University System of Georgia, so as to provide the board with the power to regulate the carrying of weapons on board property; to amend Code Section 20-4-11 of the Official Code of Georgia Annotated, relating to the powers of the State Board of Technical and Adult Education, so as to provide the state board with the power to regulate the carrying of weapons on property in the custody of the state board; to amend various titles of the Official Code of Georgia Annotated so as to conform and correct cross-references; to provide for effective dates and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

CARRYING A WEAPON IN GEORGIA

SECTION 1-1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising Part 3 of Article 4 of Chapter 11, relating to carrying and possession of firearms, by adding a new Code section to read as follows:

"16-11-125.1.

As used in this part, the term:

(1) 'Handgun' means a firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged by an action of an explosive where the length of the barrel, not including any revolving, detachable, or magazine breech, does not exceed 12 inches; provided, however, that the term 'handgun' shall not include a gun which discharges shot of .46 centimeters or less in diameter.

(2) 'Handgun safety course' means an education course that shall include, but shall not be limited to:

(A) Information on handgun use and safety;

(B) Information on the proper storage practice for handguns with an emphasis on storage practices that reduce the possibility of accidental injury to a child;

(C) Actual live firing of a handgun in the presence of an instructor; and

(D) Information on the statutory and case law of this state relating to handguns and to the use of deadly force.

(3) 'Knife' means a cutting instrument designed for the purpose of offense and defense consisting of a sharp blade that is greater than five inches in length which is fastened to a handle.

(4) 'License holder' means a person who holds a weapons carry license.

(5) 'Long gun' means a firearm designed or made and intended to be fired from the shoulder and designed or made to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger or from which any shot, bullet, or other missile can be discharged; provided, however, that the term 'long gun' shall not include a gun which discharges shot of .46 centimeters or less in diameter.

(6) 'Weapon' means a knife or handgun.

(7) 'Weapons carry license,' 'enhanced weapons carry license,' or 'license' means a license issued pursuant to Code Section 16-11-129."

SECTION 1-2.

Said title is further amended by revising Code Section 16-11-126, relating to carrying a concealed weapon, as follows:

"16-11-126.

~~(a) A person commits the offense of carrying a concealed weapon when such person knowingly has or carries about his or her person, unless in an open manner and fully exposed to view, any bludgeon, knuckles, whether made from metal, thermoplastic, wood, or other similar material, firearm, knife designed for the purpose of offense and defense,~~

~~or any other dangerous or deadly weapon or instrument of like character outside of his or her home or place of business, except as permitted under this Code section.~~

~~(b) Upon conviction of the offense of carrying a concealed weapon, a person shall be punished as follows:~~

~~(1) For the first offense, he or she shall be guilty of a misdemeanor; and~~

~~(2) For the second offense, and for any subsequent offense, he or she shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than two years and not more than five years.~~

~~(c) This Code section shall not permit, outside of his or her home, motor vehicle, or place of business, the concealed carrying of a pistol, revolver, or concealable firearm by any person unless that person has on his or her person a valid license issued under Code Section 16-11-129 and the pistol, revolver, or firearm may only be carried in a shoulder holster, waist belt holster, any other holster, hipgrip, or any other similar device, in which event the weapon may be concealed by the person's clothing, or a handbag, purse, attache case, briefcase, or other closed container. Any person having been issued a license to carry a concealed weapon pursuant to Code Section 16-11-129 shall be permitted to carry such weapon, subject to the limitations of this part, in all parks, historic sites, or recreational areas as defined by Code Section 12-3-10 and in all wildlife management areas.~~

~~(d) This Code section shall not forbid the transportation of any firearm by a person who is not among those enumerated as ineligible for a license under Code Section 16-11-129; provided the firearm is enclosed in a case, unloaded, and separated from its ammunition.~~

~~(e) This Code section shall not forbid any person who is not among those enumerated as ineligible for a license under Code Section 16-11-129 from transporting a loaded firearm in any private passenger motor vehicle.~~

~~(f) On and after October 1, 1996, a person licensed to carry a handgun in any state whose laws recognize and give effect within such state to a license issued pursuant to this part shall be authorized to carry a handgun in this state, but only while the licensee is not a resident of this state; provided, however, that such license holder shall carry the handgun in compliance with the laws of this state.~~

(a) Any person who is not prohibited by law from possessing a handgun or long gun may have or carry on his or her person a weapon or long gun inside his or her home, motor vehicle, or place of business without a weapons carry license.

(b) Any person who is not prohibited by law from possessing a handgun or long gun may have or carry on his or person a long gun without a weapons carry license, provided that if the long gun is loaded, it shall only be carried in an open and fully exposed manner.

(c) Any person who is not prohibited by law from possessing a handgun or long gun may transport any handgun or long gun provided that it is enclosed in its case and unloaded.

(d) Any person licensed to carry a handgun or weapon in any state whose laws recognize and give effect within such state a license issued pursuant to this part shall be authorized to carry a weapon in this state, but only while the licensee is not a resident of this state; provided, however, that such licensee shall carry the weapon in compliance with the laws of this state.

(e) Any person with a valid hunting or fishing license on his or her person, or any person not required by law to have a hunting or fishing license, who is engaged in legal hunting, fishing, or sport shooting when the person has the permission of the owner of the land on which the activities are being conducted may have or carry on his or her person a handgun without a weapons carry license while hunting, fishing, or engaging in sport shooting; provided, however, that a handgun, whenever loaded, shall be carried only in an open and fully exposed manner.

(f) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through 16-12-127, any person with a weapons carry license may carry a weapon in all parks, historic sites, or recreational areas, as such term is defined in Code Section 12-3-10, including all publicly owned buildings located in such parks, historic sites, and recreational areas, in wildlife management areas, and on public transportation; provided, however, that a person shall not carry a handgun into a place where it is prohibited by federal law.

(g)(1) No person shall carry a weapon without a valid weapons carry license issued pursuant to Code Section 16-11-129 unless he or she meets one of the exceptions to having such license as provided in subsections (a) through (f) of this Code section.

(2) A person commits the offense of carrying a weapon without a license when he or she violates the provisions of paragraph (1) of this subsection.

(h) Upon conviction of the offense of carrying weapon without a weapons carry license, a person shall be punished as follows:

(1) For the first offense, he or she shall be guilty of a misdemeanor; and

(2) For the second offense, and for any subsequent offense, he or she shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than two years and not more than five years."

SECTION 1-3.

Said title is further is amended by revising Code Section 16-11-127, relating to the offense of carrying a deadly weapon to or at public gatherings and affirmative defenses, as follows:
"16-11-127.

~~(a) Except as provided in Code Section 16-11-127.1, a person shall be guilty of a misdemeanor when he or she carries to or while at a public gathering any explosive compound, firearm, or knife designed for the purpose of offense and defense.~~

~~(b) For the purpose of this Code section, 'public gathering' shall include, but shall not be limited to, athletic or sporting events, churches or church functions, political rallies or functions, publicly owned or operated buildings, or establishments at which alcoholic beverages are sold for consumption on the premises and which derive less than 50 percent of their total annual gross food and beverage sales from the sale of prepared meals or food. Nothing in this Code section shall otherwise prohibit the carrying of a firearm in any other public place by a person licensed or permitted to carry such firearm by this part.~~

~~(c)(1) This Code section shall not apply to competitors participating in organized sport shooting events.~~

~~(2) Law enforcement officers, peace officers retired from state, local, or federal law enforcement agencies, judges, magistrates, constables, solicitors-general, and district attorneys may carry pistols in publicly owned or operated buildings; provided, however, that a courthouse security plan adopted in accordance with paragraph (10) of subsection (a) of Code Section 15-16-10 may prohibit the carrying of a pistol.~~

~~(d) It shall be an affirmative defense to a violation of this Code section if a person notifies a law enforcement officer or other person employed to provide security for a public gathering of the presence of such item as soon as possible after learning of its presence and surrenders or secures such item as directed by such law enforcement officer or other person employed to provide security for such public gathering.~~

~~(e) A person licensed or permitted to carry a firearm by this part shall be permitted to carry such firearm, subject to the limitations of this part, in all parks, historic sites, and recreational areas, including all publicly owned buildings located in such parks, historic sites, and recreational areas and in wildlife management areas, notwithstanding Code Section 12-3-10, in wildlife management areas notwithstanding Code Section 27-3-1.1 and 27-3-6, and in public transportation notwithstanding Code Sections 16-12-122 through 16-12-127; provided, however, that a person shall not carry a firearm into a place prohibited by federal law.~~

~~(f) A person licensed or permitted to carry a firearm by this part shall not consume alcoholic beverages in a restaurant or other eating establishment while carrying a firearm. Any person violating this subsection shall be guilty of a misdemeanor.~~

(a) As used in this Code section, the term:

(1) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

(2) 'Courthouse' means a building occupied by judicial courts and containing rooms in which judicial proceedings are held.

(3) 'Government building' means:

(A) The building in which a government entity is housed;

(B) The building where a government entity meets in its official capacity; provided, however, that if such building is not a publicly owned building, such building shall be considered a government building for the purposes of this Code section only during the time such government entity is meeting at such building; or

(C) The portion of any building that is not a publicly owned building that is occupied by a government entity.

(4) 'Government entity' means an office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the state or any county, municipal corporation, consolidated government, or local board of education within this state.

(5) 'Parking facility' means real property owned or leased by a government entity, courthouse, jail, prison, school, place of worship, or bar that has been designated by such government entity, courthouse, jail, prison, school, place of worship, or bar for the parking of motor vehicles at a government building or at such courthouse, jail, prison, school, place of worship, or bar.

(6) 'School' means any real property owned by or leased to any public or private elementary school or secondary school and used for public or private elementary or secondary education.

(b) A person shall be guilty of carrying a weapon or long gun in an unauthorized location and punished as for a misdemeanor when he or she carries a weapon or long gun while:

(1) In a government building;

(2) In a courthouse;

(3) In a jail or prison;

(4) In any school; provided, however, if the school is located in a place of worship, the restrictions provided pursuant to this subsection shall only be applicable during school hours or during school events;

(5) In any athletic facility during an event for which the Board of Regents of the University System of Georgia has adopted a regulation prohibiting the carrying of weapons or long guns into such events;

(6) In a place of worship, unless the presiding official of the place of worship permits the carrying of weapons or long guns by all or designated license holders;

(7) In a state mental health facility as defined in Code Section 37-1-1 which admits individuals on an involuntary basis for treatment of mental illness, developmental disability, or addictive disease; provided, however, that carrying a weapon or long gun in such location in a manner in compliance with paragraph (3) of subsection (d) of this Code section shall not constitute a violation of this subsection;

(8) In a bar, unless the owner of the bar permits the carrying of weapons or long guns by license holders;

(9) On the premises of a nuclear power facility, except as provided in Code Section 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede the punishment provisions of this Code section; or

(10) Within 150 feet of any polling place, except as provided in subsection (i) of Code Section 21-2-413.

(c) A license holder or person recognized under subsection (d) of Code Section 16-11-126 shall be authorized to carry a weapon as provided in Code Section 16-11-135 and in every location in this state not listed in subsection (b) of this Code section; provided, however, that private property owners or persons in legal control of property through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access to such property shall have the right to forbid possession of a weapon on their property, except as provided in Code Section 16-11-135. A violation of subsection (b) of this Code section shall not create or give rise to a civil action for damages.

(d) Subsection (b) of this Code section shall not apply:

(1) To the use of weapons or long guns as exhibits in a legal proceeding, provided such weapons are secured and handled as directed by the personnel providing courtroom security or the judge hearing the case;

(2) To a license holder who approaches security or management personnel upon arrival at a location described in subsection (b) of this Code section and notifies such security or management personnel of the presence of the weapon or long gun and follows the security or management personnel's direction for securing, storing, or temporarily surrendering such weapon or long gun;

(3) To a weapon or long gun possessed by a license holder which is under the possessor's control in a motor vehicle or is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle and such vehicle is parked in a parking facility; and

(4) To a weapon or long gun when possessed by a license holder in an airport in any area in which weapon or long gun possession is not regulated by the federal government."

SECTION 1-4.

Said title is further amended by revising subsection (a), paragraph (8) of subsection (c), and subsection (f) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on school property, as follows:

"(a) As used in this Code section, the term:

(1) 'School safety zone' means in, on, or within 1,000 feet of any real property owned by or leased to any public or private elementary school, secondary school, or school board and used for elementary or secondary education ~~and in, on, or within 1,000 feet of the campus of any public or private technical school, vocational school, college, university, or institution of postsecondary education.~~

(2) 'Weapon' means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher."

"(8) A weapon possessed by a license holder which is under the possessor's control in a motor vehicle or which is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle which is being used by an adult over 21 years of age to bring to or pick up a student at a school building, school function, or school property or on a bus or other transportation furnished by the school, or when such vehicle is used to transport someone to an activity being conducted on school property which has been authorized by a duly authorized official of the school; provided, however, that this exception shall not apply to a student attending such school;"

"(f) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of the real property of a school board or a private or public elementary or secondary school that is used for school purposes ~~or within 1,000 feet of any campus of any public or private technical school, vocational school, college, university, or institution of postsecondary education,~~ or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such

original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county."

SECTION 1-5.

Said title is further amended by revising subsection (a) of Code Section 16-11-127.2, relating to firearm or weapon on premises of a nuclear power facility, as follows:

"(a) Except as provided in subsection (c) of this Code section, it shall be unlawful for any person to carry, possess, or have under such person's control while on the premises of a nuclear power facility a ~~firearm~~ or weapon or long gun. Any person who violates this subsection shall be guilty of a misdemeanor."

SECTION 1-6.

Said title is further amended by revising Code Section 16-11-128, relating to carrying a pistol without a license, as follows:

"16-11-128.

~~(a) A person commits the offense of carrying a pistol without a license when he has or carries on or about his person, outside of his home, motor vehicle, or place of business, any pistol or revolver without having on his person a valid license issued by the judge of the probate court of the county in which he resides, provided that no permit shall be required for persons with a valid hunting or fishing license on their person or for persons not required by law to have hunting licenses who are engaged in legal hunting, fishing, or sport shooting when the persons have the permission of the owner of the land on which the activities are being conducted; provided, further, that the pistol or revolver, whenever loaded, shall be carried only in an open and fully exposed manner.~~

~~(b) Upon conviction of the offense of carrying a pistol without a license, a person shall be punished as follows:~~

~~(1) For the first offense, he shall be guilty of a misdemeanor; and~~

~~(2) For the second offense, and for any subsequent offense, he is guilty of a felony, and, upon conviction thereof, shall be imprisoned for not less than one year nor more than five years.~~

~~(c) On and after October 1, 1996, a person licensed to carry a handgun in any state whose laws recognize and give effect within such state to a license issued pursuant to this part shall be authorized to carry a handgun in this state, but only while the licensee is not a~~

315 ~~resident of this state; provided, however, that such license holder shall carry the handgun~~
316 ~~in compliance with the laws of this state. Reserved.~~"

317 **SECTION 1-7.**

318 Said title is further amended by revising Code Section 16-11-129, relating to license to carry
319 pistol or revolver, as follows:

320 "16-11-129.

321 (a) *Application for weapons carry license or renewal license; term.* The judge of the
322 probate court of each county may, on application under oath and on payment of a fee of
323 \$15.00, issue a weapons carry license or renewal license valid for a period of five years to
324 any person whose domicile is in that county or who is on active duty with the United States
325 armed forces and who is not a domiciliary of this state but who either resides in that county
326 or on a military reservation located in whole or in part in that county at the time of such
327 application, ~~which.~~ Such license or renewal license shall authorize that person to carry any
328 ~~pistol or revolver~~ weapon in any county of this state notwithstanding any change in that
329 person's county of residence or state of domicile. Applicants shall submit the application
330 for a weapons carry license or renewal license to the judge of the probate court on forms
331 prescribed and furnished free of charge to persons wishing to apply for the license or
332 renewal license. An applicant who is not a United States citizen shall provide sufficient
333 personal identifying data, including without limitation his or her place of birth and United
334 States issued alien or admission number, as the Georgia Bureau of Investigation may
335 prescribe by rule or regulation. An applicant who is in nonimmigrant status shall provide
336 proof of his or her qualifications for an exception to the federal firearm prohibition
337 pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from
338 the applicant pertinent to his or her eligibility under this Code section, including
339 citizenship, but shall not require data which is nonpertinent or irrelevant such as serial
340 numbers or other identification capable of being used as a de facto registration of firearms
341 owned by the applicant. The Department of Public Safety shall furnish application forms
342 and license forms required by this Code section. The forms shall be furnished to each
343 judge of each probate court within the state at no cost.

344 ~~(b) *Licensing exceptions.* No license or renewal license shall be granted to:~~

345 ~~(1) Any person who is prohibited from possessing firearms pursuant to 18 U.S.C. Section~~
346 ~~922;~~

347 ~~(1.1) Any person under 21 years of age;~~

348 ~~(2) Any person who is a fugitive from justice or against whom proceedings are pending~~
349 ~~for any felony, forcible misdemeanor, or violation of Code Section 16-11-126,~~
350 ~~16-11-127, or 16-11-128 until such time as the proceedings are adjudicated;~~

~~(3) Any person who has been convicted of a felony by a court of this state or any other state, by a court of the United States including its territories, possessions, and dominions, or by a court of any foreign nation and has not been pardoned for such felony by the President of the United States, the State Board of Pardons and Paroles, or the person or agency empowered to grant pardons under the constitution or laws of such state or nation or any person who has been convicted of a forcible misdemeanor and has not been free of all restraint or supervision in connection therewith for at least five years or any person who has been convicted of a violation of Code Section 16-11-126, 16-11-127, or 16-11-128 and has not been free of all restraint or supervision in connection therewith for at least three years, immediately preceding the date of the application;~~

~~(4) Any individual who has been hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center within five years of the date of his or her application. The probate judge may require any applicant to sign a waiver authorizing any mental hospital or treatment center to inform the judge whether or not the applicant has been an inpatient in any such facility in the last five years and authorizing the superintendent of such facility to make to the judge a recommendation regarding whether a license to carry a pistol or revolver should be issued. When such a waiver is required by the probate judge, the applicant shall pay to the probate judge a fee of \$3.00 for reimbursement of the cost of making such a report by the mental health hospital, alcohol or drug treatment center, or the Department of Behavioral Health and Developmental Disabilities, which the probate judge shall remit to the hospital, center, or department. The judge shall keep any such hospitalization or treatment information confidential. It shall be at the discretion of the probate judge, considering the circumstances surrounding the hospitalization and the recommendation of the superintendent of the hospital or treatment center where the individual was a patient, to issue the license or renewal license;~~

~~(5)(A) Any person, the provisions of paragraph (3) of this subsection notwithstanding, who has been convicted of an offense arising out of the unlawful manufacture, distribution, possession, or use of a controlled substance or other dangerous drug.~~

~~(B) As used in this paragraph, the term:~~

~~(i) 'Controlled substance' means any drug, substance, or immediate precursor included in the definition of controlled substances in paragraph (4) of Code Section 16-13-21.~~

~~(ii) 'Convicted' means a plea of guilty, a finding of guilt by a court of competent jurisdiction, the acceptance of a plea of nolo contendere, or the affording of first offender treatment by a court of competent jurisdiction irrespective of the pendency or availability of an appeal or an application for collateral relief.~~

~~(iii) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71; or~~

~~(6) Any person not lawfully present in the United States.~~

(b) Enhanced weapons carry license. A license holder may apply for and receive an enhanced weapons carry license if he or she presents sufficient evidence demonstrating completion of a handgun safety course, a hunter's safety course, a military certificate of release, or discharge from active duty from the United States armed forces.

(c) Licensing exceptions.

(1) As used in this subsection, the term:

(A) 'Controlled substance' means any drug, substance, or immediate precursor included in the definition of controlled substances in paragraph (4) of Code Section 16-13-21.

(B) 'Convicted' means a plea of guilty or a finding of guilt by a court of competent jurisdiction irrespective of the pendency or availability of an appeal or an application for collateral relief.

(C) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71.

(2) No weapons carry license shall be issued to:

(A) Any person under 21 years of age;

(B) Any person who is prohibited from possessing firearms pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;

(C) Any person who has been convicted of an offense arising out of the unlawful manufacture or distribution of a controlled substance or other dangerous drug;

(D) Any person who has had his or her weapons carry license revoked pursuant to subsection (f) of this Code section or has been convicted of any of the following:

(i) Pointing a gun or a pistol at another in violation of Code Section 16-11-102;

(ii) Carrying a weapon without a weapons carry license in violation of Code Section 16-11-126; or

(iii) Carrying a weapon or long gun in an unauthorized location in violation of Code Section 16-11-127

and has not been free of any other conviction for at least five years immediately preceding the date of the application;

(E) Any person who has been convicted of any misdemeanor involving the use or possession of a controlled substance and has not been free of:

(i) A second conviction of any misdemeanor involving the use or possession of a controlled substance; or

(ii) Any conviction under subparagraphs (B) through (D) of this paragraph for at least five years immediately preceding the date of the application; or

(F) Any person who has been hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center within the five years immediately preceding the application. The judge of the probate court may require any applicant to sign a waiver

authorizing any mental hospital or treatment center to inform the judge whether or not the applicant has been an inpatient in any such facility in the last five years and authorizing the superintendent of such facility to make to the judge a recommendation regarding whether the applicant is a threat to the safety of others and whether a license to carry a weapon should be issued. When such a waiver is required by the judge, the applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report by the mental health hospital, alcohol or drug treatment center, or the Department of Behavioral Health and Developmental Disabilities, which the judge shall remit to the hospital, center, or department. The judge shall keep any such hospitalization or treatment information confidential. It shall be at the discretion of the judge, considering the circumstances surrounding the hospitalization and the recommendation of the superintendent of the hospital or treatment center where the individual was a patient, to issue the weapons carry license or renewal license.

~~(c)~~(d) *Fingerprinting.*

Following completion of the application for a weapons carry license or the renewal of a license, the judge of the probate court shall require the applicant to proceed to an appropriate law enforcement agency in the county with the completed application. The appropriate local law enforcement agency in each county shall then capture the fingerprints of the applicant for a license or renewal license to carry a ~~pistol or revolver~~ weapon, place the fingerprint required by subsection ~~(f)~~ (g) of this Code section on a blank license form which has been furnished to the law enforcement agency by the judge of the probate court, and place the name of the applicant on the blank license form. The law enforcement agency shall be entitled to a fee of \$5.00 from the applicant for its services in connection with the application.

~~(d)~~(e) *Investigation of applicant; issuance of weapons carry license; renewal.*

(1) For both weapons carry license applications and requests for license renewals, the judge of the probate court shall within two business days following the receipt of the application or request direct the law enforcement agency to request a fingerprint based criminal history records check from the Georgia Crime Information Center and Federal Bureau of Investigation for purposes of determining the suitability of the applicant and return an appropriate report to the judge of the probate court. Fingerprints shall be in such form and of such quality as prescribed by the Georgia Crime Information Center and under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of Investigation may charge such fee as is necessary to cover the cost of the records search.

(2) For both weapons carry license applications and requests for license renewals, the judge of the probate court shall within two business days following the receipt of the application or request also direct the law enforcement agency to conduct a background

check using the Federal Bureau of Investigation's National Instant Criminal Background Check System and return an appropriate report to the probate judge.

(3) When a person who is not a United States citizen applies for a weapons carry license or renewal of a license under this Code section, the judge of the probate court shall direct the law enforcement agency to conduct a search of the records maintained by the United States Bureau of Immigration and Customs Enforcement. As a condition to the issuance of a license or the renewal of a license, an applicant who is in nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y).

(4) The law enforcement agency shall report to the judge of the probate court within 30 days, by telephone and in writing, of any findings relating to the applicant which may bear on his or her eligibility for a weapons carry license or renewal license under the terms of this Code section. When no derogatory information is found on the applicant bearing on his or her eligibility to obtain a license or renewal license, a report shall not be required. The law enforcement agency shall return the application and the blank license form with the fingerprint thereon directly to the judge of the probate court within such time period. Not later than ten days after the judge of the probate court receives the report from the law enforcement agency concerning the suitability of the applicant for a ~~firearms~~ license, the judge of the probate court shall issue such applicant a license or renewal license to carry any ~~pistol or revolver~~ weapon unless facts establishing ineligibility have been reported or unless the judge determines such applicant has not met all the qualifications, is not of good moral character, or has failed to comply with any of the requirements contained in this Code section. The judge of the probate court shall date stamp the report from the law enforcement agency to show the date on which the report was received by the judge of the probate court.

~~(e)~~(f) *Revocation, loss, or damage to license.* If, at any time during the period for which the weapons carry license was issued, the judge of the probate court of the county in which the license was issued shall learn or have brought to his or her attention in any manner any reasonable ground to believe the licensee is not eligible to retain the license, the judge may, after notice and hearing, revoke the license of the person upon adjudication of falsification of application, mental incompetency, chronic alcohol or narcotic usage, conviction of any felony or forcible misdemeanor, or for violation of Code Section 16-11-126; or 16-11-127; ~~or 16-11-128.~~ It shall be unlawful for any person to possess a license which has been revoked, and any person found in possession of any such revoked license, except in the performance of his or her official duties, shall be guilty of a misdemeanor. It shall be required that any license holder under this Code section have in his or her possession his or her valid license whenever he or she is carrying a ~~pistol or revolver~~ weapon under the

authority granted by this Code section, and his or her failure to do so shall be prima-facie evidence of a violation of Code Section ~~16-11-128~~ 16-11-126. Loss of any license issued in accordance with this Code section or damage to the license in any manner which shall render it illegible shall be reported to the judge of the probate court of the county in which it was issued within 48 hours of the time the loss or damage becomes known to the license holder. The judge of the probate court shall thereupon issue a replacement for and shall take custody of and destroy a damaged license; and in any case in which a license has been lost, he or she shall issue a cancellation order and notify by telephone and in writing each of the law enforcement agencies whose records were checked before issuance of the original license. The judge shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such services.

~~(f)(g)~~ Weapons carry license ~~License specifications.~~ Weapons carry licenses ~~Licenses~~ issued as prescribed in this Code section shall be printed on durable but lightweight card stock, and the completed card shall be laminated in plastic to improve its wearing qualities and to inhibit alterations. Measurements shall be 3 1/4 inches long, and 2 1/4 inches wide. Each shall be serially numbered within the county of issuance and shall bear the full name, residential address, birth date, weight, height, color of eyes, sex, and a clear print of the right index finger of the licensee. If the right index fingerprint cannot be secured for any reason, the print of another finger may be used but such print shall be marked to identify the finger from which the print is taken. The license shall show the date of issuance, the expiration date, and the probate court in which issued and shall be signed by the licensee and bear the signature or facsimile thereof of the judge. The seal of the court shall be placed on the face before the license is laminated. The reverse side of the license shall have imprinted thereon in its entirety Code Section 16-11-127.

~~(g)(h)~~ Alteration or counterfeiting of license; penalty. A person who deliberately alters or counterfeits such a license card commits a felony and, upon conviction thereof, shall be punished by imprisonment for a period of not less than one nor more than five years.

~~(h)(i)~~ Licenses for former law enforcement officers. Except as otherwise provided in Code Section 16-11-130, any person who has served as a law enforcement officer for at least ten of the 12 years immediately preceding the retirement of such person as a law enforcement officer shall be entitled to be issued a weapons carry license as provided for in this Code section without the payment of any of the fees provided for in this Code section. Such person must comply with all the other provisions of this Code section relative to the issuance of such licenses. As used in this subsection, the term 'law enforcement officer' means any peace officer who is employed by the United States government or by the State of Georgia or any political subdivision thereof and who is required by the terms of his or her employment, whether by election or appointment, to give his or her full time to the

preservation of public order or the protection of life and property or the prevention of crime. Such term shall include conservation rangers.

~~(i)~~(j) *Temporary renewal licenses.*

(1) Any person who holds a weapons carry license under this Code section ~~to carry a pistol or revolver~~ may, at the time he or she applies for a renewal of the license, also apply for a temporary renewal license if less than 90 days remain before expiration of the license he or she then holds or if ~~his~~ the previous license has expired within the last 30 days.

(2) Unless the judge of the probate court knows or is made aware of any fact which would make the applicant ineligible for a five-year renewal license, the judge shall at the time of application issue a temporary renewal license to the applicant.

(3) Such a temporary renewal license shall be in the form of a paper receipt indicating the date on which the court received the renewal application and shall show the name, address, sex, age, and race of the applicant and that the temporary renewal license expires 90 days from the date of issue.

(4) During its period of validity the temporary renewal permit, if carried on or about the holder's person together with the holder's previous license, shall be valid in the same manner and for the same purposes as a five-year license.

(5) A \$1.00 fee shall be charged by the probate court for issuance of a temporary renewal license.

(6) A temporary renewal license may be revoked in the same manner as a five-year license.

~~(j)~~(k) When an eligible applicant ~~who is a United States citizen~~ fails to receive a license, temporary permit, or renewal license within the time period required by this Code section and the application or request has been properly filed, the applicant may bring an action in mandamus or other legal proceeding in order to obtain a license, temporary license, or renewal license, and such applicant shall be entitled to recover his or her costs in such action, including reasonable attorney's fees."

SECTION 1-8.

Said title is further amended by revising Code Section 16-11-132, relating to possession of a pistol or revolver by a person under the age of 18 years, as follows:

"16-11-132.

(a)(1) ~~For the purposes of this Code section, the term 'pistol' or 'revolver' means a firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged where the length of the barrel, not including any revolving, detachable, or magazine breech, does not exceed 12 inches; provided, however, that the term pistol or~~

~~revolver shall not include a gun which discharges shot of .46 centimeters or less in diameter.~~

(2) For the purposes of this Code section, a ~~pistol or revolver~~ handgun is considered loaded if:

(A)(1) There is a cartridge in the chamber or cylinder of the ~~pistol or revolver~~ handgun;

(B)(2) The person is carrying on his or her body or attached to his or her clothing the ~~pistol or revolver~~ handgun and the ammunition for such ~~pistol or revolver~~ handgun; or

(C)(3) The ~~pistol or revolver~~ handgun and the ammunition for such ~~pistol or revolver~~ handgun are in such close proximity to such person that such person could readily gain access to the ~~pistol or revolver~~ handgun and the ammunition and load the ~~pistol or revolver~~ handgun.

(b) Notwithstanding any other provisions of this part and except as otherwise provided in this Code section, it shall be unlawful for any person under the age of 18 years to possess or have under such person's control a ~~pistol or revolver~~ handgun. A person convicted of a first violation of this subsection shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000.00 or by imprisonment for not more than 12 months, or both. A person convicted of a second or subsequent violation of this subsection shall be guilty of a felony and shall be punished by a fine of \$5,000.00 or by imprisonment for a period of three years, or both.

(c) Except as otherwise provided in subsection (d) of this Code section, the provisions of subsection (b) of this Code section shall not apply to:

(1) Any person under the age of 18 years who is:

(A) Attending a hunter education course or a firearms safety course;

(B) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction where such range is located;

(C) Engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under 26 U.S.C. Section 501(c)(3) which uses firearms as a part of such performance;

(D) Hunting or fishing pursuant to a valid license if such person has in his or her possession such a valid hunting or fishing license if required; is engaged in legal hunting or fishing; has permission of the owner of the land on which the activities are being conducted; and the ~~pistol or revolver~~ handgun, whenever loaded, is carried only in an open and fully exposed manner; or

(E) Traveling to or from any activity described in subparagraphs (A) through (D) of this paragraph if the ~~pistol or revolver~~ handgun in such person's possession is not loaded;

(2) Any person under the age of 18 years who is on real property under the control of such person's parent, legal guardian, or grandparent and who has the permission of such person's parent or legal guardian to possess a ~~pistol or revolver~~ handgun; or

(3) Any person under the age of 18 years who is at such person's residence and who, with the permission of such person's parent or legal guardian, possesses a ~~pistol or revolver~~ handgun for the purpose of exercising the rights authorized in Code Section 16-3-21 or 16-3-23.

(d) Subsection (c) of this Code section shall not apply to any person under the age of 18 years who has been convicted of a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3, or who has been adjudicated delinquent under the provisions of Article 1 of Chapter 11 of Title 15 for an offense which would constitute a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3, if such person were an adult."

SECTION 1-9.

Said title is further amended by revising subsection (b) of Code Section 16-11-135, relating to public or private employer's parking lots, as follows:

"(b) Except as provided in this Code section, no private or public employer, including the state and its political subdivisions, shall condition employment upon any agreement by a prospective employee that prohibits an employee from entering the parking lot and access thereto when the employee's privately owned motor vehicle contains a firearm that is locked out of sight within the trunk, glove box, or other enclosed compartment or area within such privately owned motor vehicle, provided that any applicable employees possess a Georgia ~~firearms~~ weapons carry license."

SECTION 1-10.

Said title is further amended by adding a new Code section to Part 3 of Article 4 of Chapter 11, relating to carrying and possession of firearms, as follows:

"16-11-136.

Failure of a license holder to have a weapons carry license on or about his or her person at the time of arrest shall be prima-facie evidence of not having a license. The lack of a weapons carry license or of a handgun or weapon license issued by another state that is recognized by this state pursuant to subsection (d) of Code Section 16-11-126 shall be an element of the crime for the offenses established in Code Sections 12-3-10, 16-11-126, 16-11-127, 16-11-127.1, 16-12-123, 16-12-127, 21-2-413, 27-3-1.1, 27-3-6, and 27-4-11.1."

PART II

RESERVED.

PART III**BOARD OF REGENTS****SECTION 3-1.**

Code Section 20-3-31 of the Official Code of Georgia Annotated, relating to the general powers of the Board of Regents of the University System of Georgia, is revised as follows:

"20-3-31.

The board of regents shall have power:

(1) To make such reasonable rules and regulations as are necessary for the performance of its duties;

(2) To elect or appoint professors, educators, stewards, or any other officers necessary for all of the schools in the university system, as may be authorized by the General Assembly; to discontinue or remove them as the good of the system or any of its schools or institutions or stations may require; and to fix their compensations;

(3) To establish all such schools of learning or art as may be useful to the state and to organize them in the way most likely to attain the ends desired; ~~and~~

(4) To exercise any power usually granted to such corporation, necessary to its usefulness, which is not in conflict with the Constitution and laws of this state; and

(5) To make rules and regulations with regard to carrying a weapon or long gun, as such terms are defined in Code Section 16-11-125.1, on or in board property; provided, however, that any rule or regulation adopted by the board shall not apply to any area that is not owned or leased by the board or any area governed by Code Section 16-11-135."

PART IIIA**STATE BOARD OF TECHNICAL AND ADULT EDUCATION****SECTION 3A-1.**

Code Section 20-4-11 of the Official Code of Georgia Annotated, relating to the powers of the State Board of Technical and Adult Education, is amended by striking "and" at the end of paragraph (10), by striking the period and inserting "; and" at the end of paragraph (11), and by adding a new paragraph to read as follows:

671 "(12) To make rules and regulations with regard to carrying a weapon or long gun, as
672 such terms are defined in Code Section 16-11-125.1, on or in property in the custody of
673 the state board; provided, however, that any rule or regulation adopted by the state board
674 shall not apply to any area that is not in the custody of the state board or any area
675 governed by Code Section 16-11-135."

676 **PART IV**

677 **CROSS-REFERENCES**

678 **SECTION 4-1.**

679 Title 10 of the Official Code of Georgia Annotated, relating to commerce, is amended by
680 revising subsection (e) of Code Section 10-1-393.5, relating to prohibited telemarketing,
681 Internet activities, or home repair, as follows:

682 "(e) Persons employed full time or part time for the purpose of conducting potentially
683 criminal investigations under this article shall be certified peace officers and shall have all
684 the powers of a certified peace officer of this state when engaged in the enforcement of this
685 article, including but not limited to the power to obtain, serve, and execute search warrants.
686 Such Georgia certified peace officers shall be subject to the requirements of Chapter 8 of
687 Title 35, the 'Georgia Peace Officer Standards and Training Act,' and are specifically
688 required to complete the training required for peace officers by that chapter. Such certified
689 peace officers shall be authorized, upon completion of the required training, with the
690 written approval of the administrator, and notwithstanding Code Sections 16-11-126;
691 ~~16-11-128~~, and 16-11-129, to carry firearms of a standard police issue when engaged in
692 detecting, investigating, or preventing crimes under this article."

693 **SECTION 4-2.**

694 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
695 resources, is amended by revising subsection (o) of Code Section 12-3-10, relating to what
696 persons may be in parks, historic sites, or recreational areas, as follows:

697 "(o) It shall be unlawful for any person to use or possess in any park, historic site, or
698 recreational area any fireworks, explosives, or firecrackers, unless stored so as not to be
699 readily accessible or unless such use has been approved by prior written permission of the
700 commissioner of natural resources or his or her authorized representative. It shall also be
701 unlawful for any person without a weapons carry license issued pursuant to Code Section
702 16-11-129 to use or possess in any park, historic site, or recreational area any firearms;
703 It shall also be unlawful for any person to use or possess in any park, historic site, or
704 recreational area any bows and arrows, spring guns, air rifles, slingshots, or any other

705 device which discharges projectiles by any means, unless the device is unloaded and stored
 706 so as not to be readily accessible or unless such use has been approved within restricted
 707 areas by prior written permission of the commissioner of natural resources or his or her
 708 authorized representative."

709 **SECTION 4-3.**

710 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 711 paragraph (1) of subsection (i) and paragraphs (12) and (13) of subsection (k) of Code
 712 Section 15-9-60, relating to costs for hearings in contested matters in probate courts, as
 713 follows:

714 "(1) For conducting trials of contested matters or for formal hearing on the denial of an
 715 application for a ~~firearms~~ weapons carry license before the probate court, the cost shall
 716 be \$25.00 per one-half day or portion thereof;"

717 "(12) Application for ~~firearms~~ weapons carry license (exclusive of fees charged
 718 by other agencies for the examination of criminal records and mental health
 719 records) 15.00

720 (13) For issuance of a replacement ~~firearms~~ weapons carry license. 5.00"

721 **SECTION 4-4.**

722 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 723 amended by revising subparagraph (c)(2)(C) of Code Section 16-10-51, relating to bail
 724 jumping, as follows:

725 "(C) Carrying a ~~deadly~~ weapon or long gun ~~to public gathering in an unauthorized~~
 726 location, as provided in Code Section 16-11-127;"

727 **SECTION 4-5.**

728 Said title is further amended by revising subsection (b) of Code Section 16-11-34.1, relating
 729 to unlawful activities within the state capitol or certain Capitol Square buildings, as follows:

730 "(b) It shall be unlawful for any person, other than those persons who are exempt from the
 731 provisions of Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2, to enter, occupy,
 732 or remain within the state capitol building or any building housing committee offices,
 733 committee rooms, or offices of members, officials, or employees of the General Assembly
 734 or either house thereof while in the possession of any firearm; knife ~~designed for the~~
 735 ~~purpose of offense and defense~~, as such term is defined in Code Section 16-1-125.1;
 736 explosive or incendiary device or compound; bludgeon; knuckles, whether made from
 737 metal, thermoplastic, wood, or other similar material; or any other dangerous or deadly
 738 weapon, instrument, or device."

SECTION 4-6.

Said title is further amended by revising paragraph (2) of subsection (a) of Code Section 16-11-101.1, relating to furnishing a pistol or revolver to a person under the age of 18 years, as follows:

"(2) 'Pistol or revolver' means a ~~pistol or revolver~~ handgun as defined in subsection (a) of Code Section ~~16-11-132~~ 16-11-125.1."

SECTION 4-7.

Said title is further amended by revising Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-128, as follows:

"16-11-130.

(a) Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2 shall not apply to or affect any of the following persons if such persons are employed in the offices listed below or when authorized by federal or state law, regulations, or order:

(1) Peace officers, as such term is defined in paragraph (11) of Code Section 16-1-3, and retired peace officers so long as they remain certified whether employed by the state or a political subdivision of the state or another state or a political subdivision of another state but only if such other state provides a similar privilege for the peace officers of this state;

(2) Wardens, superintendents, and keepers of correctional institutions, jails, or other institutions for the detention of persons accused or convicted of an offense;

(3) Persons in the military service of the state or of the United States;

(4) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the weapon or long gun is necessary for manufacture, transport, installation, and testing under the requirements of such contract;

(5) District attorneys, investigators employed by and assigned to a district attorney's office, assistant district attorneys, attorneys or investigators employed by the Prosecuting Attorneys' Council of the State of Georgia, and any retired district attorney, assistant district attorney, district ~~attorneys~~ attorney's investigator, or attorney or investigator retired from the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in good standing and is receiving benefits under Title 47 or is retired in good standing and receiving benefits from a county or municipal retirement system;

(6) State court solicitors-general; investigators employed by and assigned to a state court solicitor-general's office; assistant state court solicitors-general; the corresponding personnel of any city court expressly continued in existence as a city court pursuant to Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the

corresponding personnel of any civil court expressly continued as a civil court pursuant to said provision of the Constitution;

(7) Those employees of the State Board of Pardons and Paroles when specifically designated and authorized in writing by the members of the State Board of Pardons and Paroles to carry a weapon or long gun;

(8) The Attorney General and those members of his or her staff whom he or she specifically authorizes in writing to carry a weapon or long gun;

(9) Chief probation officers, probation officers, intensive probation officers, and surveillance officers employed by and under the authority of the Department of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide Probation Act,' when specifically designated and authorized in writing by the director of Division of Probation;

(10) Public safety directors of municipal corporations;

(11) Explosive ordnance disposal technicians, as such term is defined by Code Section 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle animals trained to detect explosives, while in the performance of their duties;

(12) State and federal trial and appellate judges, full-time and permanent part-time judges of municipal and city courts, and former state trial and appellate judges retired from their respective offices under state retirement;

(13) United States Attorneys and Assistant United States Attorneys;

(14) County medical examiners and coroners and their sworn officers employed by county government; and

(15) Clerks of the superior courts.

(b) Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2 shall not apply to or affect persons who at the time of their retirement from service with the Department of Corrections were chief probation officers, probation officers, intensive probation officers, or surveillance officers, when specifically designated and authorized in writing by the director of the Division of Probation.

(c) Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2 shall not apply to or affect any:

(1) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired deputy sheriff is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47;

(2) Member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation or retired member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation if such retired member or agent is receiving benefits under the Employees' Retirement System;

(3) Full-time law enforcement chief executive engaging in the management of a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive that is registered or certified by the Georgia Peace Officer Standards and Training Council; or retired law enforcement chief executive that formerly managed a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive that was registered or certified at the time of his or her retirement by the Georgia Peace Officer Standards and Training Council, if such retired law enforcement chief executive is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system; or

(4) Police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer that is registered or certified by the Georgia Peace Officer Standards and Training Council, or retired police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer that was registered or certified at the time of his or her retirement by the Georgia Peace Officer Standards and Training Council, if such retired employee is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system.

In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, active or retired law enforcement chief executive, or other law enforcement officer referred to in this subsection shall be authorized to carry a ~~pistol or revolver~~ handgun on or off duty anywhere within the state and the provisions of Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2 shall not apply to the carrying of such firearms.

(d) A prosecution based upon a violation of Code Section 16-11-126; or 16-11-127; ~~or~~ ~~16-11-128~~ need not negative any exemptions."

SECTION 4-8.

Said title is further amended by revising subsection (b) of Code Section 16-12-123, relating to bus or rail vehicle hijacking and boarding with concealed weapon, as follows:

"(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any explosive, destructive device, or hoax device as such term is defined in Code Section 16-7-80; firearm for which such person does not have on his or her person a valid weapons carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is

prohibited by federal law; hazardous substance as defined by Code Section 12-8-92; or knife or other device designed or modified for the purpose of offense and defense concealed on or about his or her person or property which is or would be accessible to such person while on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years. The prohibition of this subsection shall not apply to any law enforcement officer, peace officer retired from a state or federal law enforcement agency, person in the military service of the state or of the United States, or commercial security personnel employed by the transportation company who is in possession of weapons used within the course and scope of ~~their~~ employment; nor shall the prohibition apply to persons transporting weapons contained in baggage which is not accessible to passengers if the presence of such weapons has been declared to the transportation company and such weapons have been secured in a manner prescribed by state or federal law or regulation for the purpose of transportation or shipment. The provisions of this subsection shall not apply to any privately owned aircraft, bus, or rail vehicle if the owner of such aircraft or vehicle has given his or her express permission to board the aircraft or vehicle with the item."

SECTION 4-9.

Said title is further amended by revising subsection (a) of Code Section 16-12-127, relating to prohibition on firearms, hazardous substances, knives, or other devices, as follows:

"(a) It shall be unlawful for any person, with the intention of avoiding or interfering with a security measure or of introducing into a terminal any explosive, destructive device, or hoax device as defined in Code Section 16-7-80; firearm for which such person does not have on his or her person a valid weapons carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is prohibited by federal law; hazardous substance as defined by Code Section 12-8-92; or knife or other device designed or modified for the purpose of offense and defense, to:

- (1) Have any such item on or about his or her person, or
- (2) Place or cause to be placed or attempt to place or cause to be placed any such item:
 - (A) In a container or freight of a transportation company;
 - (B) In the baggage or possessions of any person or any transportation company without the knowledge of the passenger or transportation company; or
 - (C) Aboard such aircraft, bus, or rail vehicle."

SECTION 4-10.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising Code Section 17-5-51, relating to forfeiture of weapons used in commission of crime, as follows:

"17-5-51.

Any device which is used as a weapon in the commission of any crime against any person or any attempt to commit any crime against any person, any weapon the possession or carrying of which constitutes a crime or delinquent act, and any weapon for which a person has been convicted of ~~the crime of carrying a concealed weapon, as provided for by~~ violating Code Section 16-11-126; are declared to be contraband and are forfeited. For the purposes of this article, a motor vehicle shall not be deemed to be a weapon or device and shall not be contraband or forfeited under this article; provided, however, this exception shall not be construed to prohibit the seizure, condemnation, and sale of motor vehicles used in the illegal transportation of alcoholic beverages."

SECTION 4-11.

Said title is further amended by revising subsection (b) of Code Section 17-7-23, relating to preclusion of certain courts from trying charges involving Code Section 16-11-126 or 16-11-128, as follows:

"(b) Any court, other than a superior court or a state court, to which any charge of a violation of Code Section 16-11-126 ~~or Code Section 16-11-128~~ is referred for the determination required by this Code section shall thereafter have and exercise only the jurisdiction of a court of inquiry with respect to the charge and with respect to any other criminal violation arising from the transaction on which the charge was based and shall not thereafter be competent to try the accused for the charge or for any other criminal violation arising from the transaction on which the charge was based, irrespective of the jurisdiction that the court otherwise would have under any other law."

SECTION 4-12.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising paragraphs (4) and (6) of subsection (a) of Code Section 20-2-1184, relating to reporting of students committing prohibited acts, as follows:

"(4) Code Section 16-11-127, relating to carrying ~~deadly weapons at public gatherings~~ a weapon or long gun in an unauthorized location;"

"(6) Code Section 16-11-132, relating to the illegal possession of a ~~pistol or revolver~~ handgun by a person under 18 years of age; or"

SECTION 4-13.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by revising paragraphs (1) and (2) of Code Section 27-3-1.1, relating to acts prohibited on wildlife management areas, as follows:

"(1) To possess a firearm during a closed hunting season for that area unless such firearm is unloaded and stored in a motor vehicle so as not to be readily accessible, unless such person possesses a valid weapons carry license issued pursuant to Code Section 16-11-129;

(2) To possess a loaded firearm in a motor vehicle during a legal open hunting season for that area, unless such person possesses a valid weapons carry license issued pursuant to Code Section 16-11-129;"

SECTION 4-14.

Said title is further amended by revising Code Section 27-3-6, relating to the possession of a firearm while hunting with bow and arrow, as follows:

"27-3-6.

It shall be unlawful for any person to possess any center-fire or rimfire firearm while hunting with a bow and arrow during archery or primitive weapons season for deer or while hunting with a muzzleloading firearm during a primitive weapons season for deer unless such person possesses a valid weapons carry license issued pursuant to Code Section 16-11-129."

SECTION 4-15.

Said title is further amended by revising paragraphs (1) and (2) of subsection (a) of Code Section 27-4-11.1, relating to the possession of firearms and intoxication on public fishing areas, as follows:

"(1) To possess a firearm during a closed hunting season for that area unless such firearm is unloaded and stored in a motor vehicle so as not to be readily accessible unless such person possesses a valid weapons carry license issued pursuant to Code Section 16-11-129;

(2) To possess a loaded firearm in a motor vehicle during a legal open hunting season for that area unless such person possesses a valid weapons carry license issued pursuant to Code Section 16-11-129; or"

SECTION 4-16.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended by revising paragraph (4) of subsection (b) of Code Section 40-6-228, relating to enforcement of parking for persons with disabilities, as follows:

"(4) Have the power to possess and carry firearms and other weapons for the purpose of enforcing the parking laws for persons with disabilities; provided, however, that a person who possesses a valid weapons carry license ~~to carry a pistol or revolver~~ issued under Code Section 16-11-129 and who carries such weapon in a manner permitted under Code Section 16-11-126 shall not be in violation of this paragraph; or"

SECTION 4-17.

Title 43 of the Official Code of Georgia Annotated, relating to professions, is amended by revising subsection (a) of Code Section 43-1-5, relating to investigators for professional licensing boards and office of division director, as follows:

"(a) Persons hired for the purpose of conducting investigations for the professional licensing boards shall be designated as investigators and any person so designated shall have all the powers of a peace officer of this state when engaged in the enforcement of this title or of any of the laws creating or related to the professional licensing boards. Such investigators shall be authorized, upon the written approval of the division director, notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and 16-11-129, to carry firearms of a caliber not greater than the standard police .38 handgun."

SECTION 4-18.

Said title is further amended by revising subsection (e) of Code Section 43-34-6, relating to investigations by medical board, as follows:

"(e) The board, through the executive director, may hire investigators for the purpose of conducting investigations. Any person so employed shall be considered to be a peace officer and shall have all powers, duties, and status of a peace officer of this state; provided, however, that such investigators shall only be authorized, upon written approval of the executive director, notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and 16-11-129, to carry firearms in the performance of their duties and exercise the powers of arrest in the performance of their duties."

SECTION 4-19.

Said title is further amended by revising subsection (f) of Code Section 43-38-10, relating to permits to carry firearms for private detectives and private security, as follows:

977 "(f) An individual issued a permit in accordance with this Code section shall be exempt
978 from the following laws of this state:
979 (1) Code Section 16-11-126, relating to carrying a ~~concealed~~ weapon;
980 (2) Code Section 16-11-127, relating to carrying ~~deadly weapons at public gatherings a~~
981 weapon or long gun in an unauthorized location; and
982 (3) ~~Code Section 16-11-128, relating to carrying a pistol without a license; and~~
983 (4) Code Section 16-11-129, relating to licenses to carry ~~pistols and revolvers~~ weapons
984 generally."

985 **SECTION 4-20.**

986 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
987 by revising paragraph (2) of subsection (i) of Code Section 49-4A-8, relating to commitment
988 of delinquent or unruly children, as follows:

989 "(2) The commissioner may designate as a peace officer who is authorized to exercise
990 the power of arrest any employee of the department whose full-time duties include the
991 preservation of public order, the protection of life and property, the detection of crime,
992 or the supervision of delinquent and unruly children in its institutions, facilities, or
993 programs, or any employee who is a line supervisor of any such employee. The
994 commissioner also may designate as a peace officer who is authorized to exercise the
995 power of arrest any employee of a person or organization which contracts with the
996 department pertaining to the management, custody, care, and control of delinquent
997 children retained by the person or organization, if that employee's full-time duties include
998 the preservation of public order, the protection of life and property, the detection of
999 crime, or the supervision of delinquent and unruly children in the department's
1000 institutions, facilities, or programs, or any employee who is a line supervisor of such
1001 employee. The commissioner may designate one or more employees of the department
1002 to investigate and apprehend delinquent and unruly children who have escaped from an
1003 institution or facility or who have broken the conditions of supervision; provided,
1004 however, that the employees so designated shall only be those with primary responsibility
1005 for the security functions of youth development centers or whose primary duty consists
1006 of the apprehension of youths who have escaped from such institutions or facilities or
1007 who have broken the conditions of supervision. An employee of the department so
1008 designated shall have the police power to investigate, to apprehend such children, and to
1009 arrest any person physically interfering with the proper apprehension of such children.
1010 An employee of the department so designated in the investigative section of the
1011 department shall have the power to obtain a search warrant for the purpose of locating
1012 and apprehending such children. Additionally, such employee, while on the grounds or

in the buildings of the department's institutions or facilities, shall have the same law enforcement powers, including the power of arrest, as a law enforcement officer of the local government with police jurisdiction over such institutions or facilities. Such employee shall be authorized to carry weapons, upon written approval of the commissioner, notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and 16-11-129. The commissioner shall also be authorized to designate any person or organization with whom the department contracts for services pertaining to the management, custody, care, and control of delinquent and unruly children detained by the person or organization as a law enforcement unit under paragraph (7) of Code Section 35-8-2. Any employee or person designated under this subsection shall be considered to be a peace officer within the meaning of Chapter 8 of Title 35 and must be certified under that chapter."

SECTION 4-21.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising subsection (d) of Code Section 50-18-72, relating to when public disclosure of public records is not required, as follows:

"(d) This article shall not be applicable to any application submitted to or any permanent records maintained by a judge of the probate court pursuant to Code Section 16-11-129, relating to weapons carry licenses ~~to carry pistols or revolvers~~, or pursuant to any other requirement for maintaining records relative to the possession of firearms. This subsection shall not preclude law enforcement agencies from obtaining records relating to licensing and possession of firearms as provided by law."

PART V

EFFECTIVE DATE, APPLICABILITY, AND REPEALER

SECTION 5-1.

This part and Parts I, III, IIIA, and IV of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all offenses committed on and after such date. The enactment of this Act shall not affect any prosecutions for acts occurring before the effective date of this Act and shall not act as an abatement of any such prosecutions.

SECTION 5-2.

All laws and parts of laws in conflict with this Act are repealed.